

**CHAPTER 7-03.1-21**  
**SHEEP MILK REGULATIONS AND FARM STANDARDS FOR PRODUCTION**  
**OF SHEEP MILK**

Section

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**7-03.1-21-01. Health of herd.** Raw sheep milk offered for sale must be from healthy sheep. Raw sheep milk may not be mixed with milk from other dairy animals.

**History:** Effective April 1, 1990.

**General Authority:** NDCC 4-29-03, 4-30-55.1

**Law Implemented:** NDCC 4-30-27, 4-30-40

**7-03.1-21-02. Sampling.** At a frequency set by the dairy commissioner, a raw milk sample must be taken from each sheep producer dairy and sent to a laboratory approved by the dairy commissioner for analysis. Samples must be taken by licensed samplers or persons named by the dairy commissioner and must be representative of all lactating sheep in the flock. Analysis of the samples must include, but is not limited to, bacterial counts, somatic cell counts, antibiotic, medicinal and chemical levels, and sediment content.

**History:** Effective April 1, 1990.

**General Authority:** NDCC 4-29-03, 4-30-55.1

**Law Implemented:** NDCC 4-30-18

**7-03.1-21-03. Sediment test.** Raw sheep milk offered for sale must be tested for sediment content. The milk tested must be classified as number one or number two. Number one classification includes milk with sediment content not

exceeding fifty hundredths milligrams of sediment per sample, or its equivalent. Number two classification includes milk with sediment content not exceeding one and fifty hundredths milligrams of sediment per sample, or its equivalent. All sediment tests must be by the mixed sample method or otherwise approved by the dairy commissioner.

**History:** Effective April 1, 1990.

**General Authority:** NDCC 4-29-03, 4-30-55.1

**Law Implemented:** NDCC 4-30-18, 4-30-23, 4-30-30

#### **7-03.1-21-04. Classification.**

1. Raw sheep milk is classified as undergrade when:
  - a. Bacteria counts by the direct microscopic cell count or standard plate count methods exceed one million bacteria per milliliter;
  - b. Two out of the last four somatic cell counts exceed one million somatic cells per milliliter (effective July 1, 1991);
  - c. Sediment content exceeds one and fifty hundredths milligrams of sediment or equivalent per sample by the mixed sample method; or
  - d. An inspection shows poor sanitation, filth, or other conditions which could affect milk quality but which are not hazardous to humans.
2. Milk classified as undergrade because of bacteria must be kept off the market if it does not have an acceptable level of bacteria within thirty days of being classified as undergrade.
3. The dairy commissioner shall send a warning letter to the producer of milk classified as undergrade because of somatic cell counts. Between three and twenty-one days after the first warning letter, another sample must be taken. If the somatic cell count exceeds one million somatic cells per milliliter, the dairy commissioner shall keep the milk off the market (effective July 1, 1990).
4. The dairy commissioner shall resample and retest milk classified as undergrade because of sediment content between three and twenty-one days after notice of violation. If it is found to exceed one and fifty hundredths milligrams of sediment by the mixed sampling method, or equivalent, it must be kept off the market.
5. When milk is classified as undergrade because of poor sanitation, the dairy commissioner shall reinspect the production site within thirty days.

6. The undergrade status may be lifted when all corrections have been made.

**History:** Effective April 1, 1990.

**General Authority:** NDCC 4-29-03, 4-30-55.1

**Law Implemented:** NDCC 4-30-27, 4-30-30, 4-30-31

**7-03.1-21-05. Antibiotics, medicinals, and chemicals.** Raw sheep milk may not exceed antibiotic, medicinal, or chemical limits set by either the United States food and drug administration or the environmental protection agency. Milk exceeding these limits must be kept off the market.

**History:** Effective April 1, 1990.

**General Authority:** NDCC 4-29-03, 4-30-55.1

**Law Implemented:** NDCC 4-29-03, 4-30-27, 4-30-31

**7-03.1-21-06. Raw milk from outside sources.** Milk supplies approved by an out-of-state agency having milk production and testing standards similar to North Dakota are eligible to enter North Dakota. All such milk must be sampled and tested by the North Dakota dairy commissioner, or by an out-of-state agency approved by the dairy commissioner. The milk must meet all North Dakota quality standards prior to entering the North Dakota market.

**History:** Effective April 1, 1990.

**General Authority:** NDCC 4-29-03, 4-30-55.1

**Law Implemented:** NDCC 4-29-03, 4-29-04

**7-03.1-21-07. Water supply.**

1. The water supply for a producer dairy facility must be properly located, protected, and operated. It must be of ample supply and safe for cleaning utensils and equipment. Rural farm water supplies approved by the state department of health and consolidated laboratories are acceptable. Wells constructed according to the state board of water well contractors' standards, tested every three years by a laboratory approved by the dairy commissioner and found to comply, are acceptable. Other water supplies may be approved by the dairy commissioner if tested each year and found to comply with state requirements regarding coliform content. After repairs or disruption to the water system, it must be tested. It must comply with state standards for coliform. All new water supplies to a producer dairy facility must comply with the state department of health and consolidated laboratories' requirements for rural water or the state board of water well contractors' requirements for well construction.

2. Each dairy producer facility must include a separate handwashing facility containing soap, individual sanitary towels, hot and cold water under pressure with a freefall mixing faucet, hand sink or wash basin.

**History:** Effective April 1, 1990.

**General Authority:** NDCC 4-29-03, 4-30-55.1

**Law Implemented:** NDCC 4-30-27

**7-03.1-21-08. Milk truck loading area.** The truck loading area of a dairy producer facility must provide all weather access to the milk storage area. It must drain properly to prevent pooling of water. It must provide easy access to the milkroom or milkhouse. Farm animals may not have free access to the milk loading area.

A producer dairy facility must have a platform or slab made of concrete or other nonporous material, outside the milkhouse. It must be centered under a hose port opening in the wall suitable for transferring milk from the bulk tank to the milk truck. The platform or slab must be at least six feet by six feet [1.83 meters by 1.83 meters]. The port opening must be closed when not in use.

**History:** Effective April 1, 1990.

**General Authority:** NDCC 4-29-03, 4-30-55.1

**Law Implemented:** NDCC 4-30-27

**7-03.1-21-09. Sewage disposal.** Disposal of wastes from a dairy producer facility may not pollute the soil, create an odor problem, create an insect breeding area, or contaminate any water supply. The dairy sheep flock may not have access to the disposal site.

**History:** Effective April 1, 1990.

**General Authority:** NDCC 4-29-03, 4-30-55.1

**Law Implemented:** NDCC 4-30-27

**7-03.1-21-10. Milkhouse.**

1. For the purposes of this section, the term "milkhouse" includes milkroom.
2. A dairy producer facility must provide a milkhouse for handling and cooling milk and for washing, handling, and storing utensils and equipment. It must be conveniently located, properly constructed, and well lighted and ventilated. Light fixtures over a milk handling or storage area must be shatterproof.
3. The floor of the milkhouse must be concrete or other nonporous material. It must be graded for proper drainage. The walls and ceilings must be made of smooth, easily cleaned material, and dusttight.

4. All outside doors of the milkhouse must be tight fitting and self-closing. If it is a part of a barn or other building, the milkhouse must be partitioned and sealed to keep out dust, flies, and rodents. Solid doors between the milkhouse and milking area must be tight fitting and self-closing.
5. The milkhouse must have a wash and rinse vat made of material approved by the dairy commissioner, a utensil rack, and milk cooling facilities. The milkhouse must have enough hot and cold water under pressure for cleaning the milking equipment.
6. Other products which are likely to contaminate milk or create a health hazard may not be stored or handled in the milkhouse.
7. The milkhouse must be kept clean. It must be free of trash, animals, and fowl.
8. Single service articles kept in the milkhouse must be properly stored and may not be reused.
9. Only pesticides approved for use in the milkhouse by the environmental protection agency may be kept in the milkhouse. These pesticides must be used according to label directions to prevent contamination of the milk.
10. Antibiotics and other medicines approved for use on dairy animals may be stored in the milkhouse or milkroom, if care is taken not to contaminate the milk supply or milk contact equipment.

**History:** Effective April 1, 1990.

**General Authority:** NDCC 4-29-03, 4-30-55.1

**Law Implemented:** NDCC 4-30-27

**7-03.1-21-11. Utensils and equipment.** Utensils and equipment used in milking and milk handling operations must be in good repair, clean, and properly stored. Cleaning equipment must be in good condition and properly stored. Milk contact surfaces must be free of milk and other residue. The surfaces must be washed, rinsed, drained, and stored in a sanitary manner after each use. Milk contact surfaces must be sanitized before each use. All utensils and equipment must comply with applicable 3A standards as defined in North Dakota Century Code section 4-30-01. Approved dairy cleaners, sanitizers, and brushes must be available for use in the milkhouse. Such brushes must be stored in the milkhouse.

**History:** Effective April 1, 1990.

**General Authority:** NDCC 4-29-03, 4-30-55.1

**Law Implemented:** NDCC 4-30-27

**7-03.1-21-12. Acceptable methods of storage of raw sheep milk at producer dairy facility.**

## **1. Bulk milk tank.**

- a. A bulk milk tank meeting 3A sanitary standards, as defined in North Dakota Century Code section 4-30-01 for construction, may be used in producer dairy facilities, provided it has an approved milk measuring device and a working thermometer. A conversion table for calculating weight must be in the milkhous. The volume of milk in the bulk tank after the first milking must reach the bulk tank agitator and be at a level that will allow adequate agitation of the milk. Failure to produce adequate volumes of milk from the first milking may result in suspension of a producer's certification to sell raw milk.
- b. The bulk tank must be cleaned, after being emptied and sanitized, before being refilled.
- c. New tanks must be equipped with a tight-fitting, approved valve that is designed for use on a bulk milk tank. Tanks and valves must comply with 3A sanitary standards, or be acceptable to the dairy commissioner. Valves not designed for in-place cleaning must be taken apart, hand-cleaned, and sanitized between milk pickups and refillings.
- d. Milk may not be held at the producer dairy facility longer than ninety-six hours from the first milking until pickup, except during storm-related conditions. Any time milk is removed from the bulk tank, the tank must be emptied completely, washed, and sanitized before the next milking. Milk offered for sale must be removed from the bulk tank only through the tank milk valve.
- e. The bulk tank must be in the milkhous and accessible for cleaning and servicing. It may not be placed over a floor drain or under a ventilator.

## **2. Freezing.**

- a. Milk to be stored at a producer dairy facility for more than ninety-six hours before being shipped to a processing facility must be frozen. Milk must be cooled to a temperature of forty degrees Fahrenheit [4.4 degrees Celsius] within two hours after milking.
- b. Freezing is allowed only in containers approved by the dairy commissioner. Frozen milk temperatures may not rise above zero degrees Fahrenheit [-18 degrees Celsius] until the milk has reached the processing facility. At no time may fresh raw sheep milk be placed into a container holding frozen raw sheep milk. The freezing of sheep milk must be completed within six hours after milking, unless otherwise specifically directed by the dairy commissioner.

- c. The freezing unit must be made of materials that are nonporous and easily cleanable. It must be free of dust, pits, and corrosion. It must be in the milkhouse or in another area acceptable to the dairy commissioner. The unit must be emptied, cleaned, and defrosted at least once every two months. No more than ten percent of the freezer capacity may receive milk warmer than zero degrees Fahrenheit [-18 degrees Celsius].
3. **Any other method approved by the dairy commissioner may be used.**

**History:** Effective April 1, 1990.

**General Authority:** NDCC 4-29-03, 4-30-55.1

**Law Implemented:** NDCC 4-30-27

#### **7-03.1-21-13. Milking area.**

1. Each producer dairy shall provide a milking barn or milking parlor suited for sanitary milking operations.
2. No swine or fowl are permitted in any part of the milking area.
3. The milking area must be well lighted and ventilated. The floor and gutters in the milking area must be constructed of concrete or other nonporous material. The milking area must be in good repair. Ramps must be made on nonporous material. Rubber mats to reduce slippage may be placed on the ramps. The milking area must be dusttight. The walls and ceiling of the milking area must be in good repair. The milking area must be kept clean. Any manure must be removed daily and properly stored.

**History:** Effective April 1, 1990.

**General Authority:** NDCC 4-29-03, 4-30-55.1

**Law Implemented:** NDCC 4-30-27

**7-03.1-21-14. Yard or loafing area and premises.** The yard or loafing area of a producer dairy must be large enough to prevent overcrowding. The yard or loafing area must be drained to prevent standing water and must be kept clean. Manure must be spread daily or stored so that it is not accessible to the milking flock. Stored manure must be spread before June fifteenth of each year, or contained so that it will prevent the reproduction of flies.

**History:** Effective April 1, 1990.

**General Authority:** NDCC 4-29-03, 4-30-55.1

**Law Implemented:** NDCC 4-30-27

#### **7-03.1-21-15. Milking procedures for producer dairies.**

1. All milking sheep must be kept clean. Immediately before milking, the udders and teats must be washed. A paper towel moistened with a sanitizing solution must be used. Then, the udders and teats must be wiped dry. Other methods may be approved by the dairy commissioner.
2. The milker's outer clothing must be clean. The milker's hands must be clean and dry. No person with an infected cut or open sores on their hands or arms may milk sheep or handle milk, milk containers, utensils, or equipment.
3. Milk from sheep known to be infected with mastitis, residues of antibiotics or other drugs, milk containing pesticides or other chemical residues greater than the limits set by the dairy commissioner, or milk from sheep during the first ninety-six hours after freshening (colostrum) must be milked last or with separate equipment. This milk must be kept off the market.
4. Milk stools, surcingles, and antikickers must be kept clean and properly stored.
5. Dusty operations may not take place right before or during milking.
6. Strong-flavored feed may be fed only after milking.
7. Concentrates and feed, if stored in a building used for dairy operations, must be kept in tightly covered boxes or bins.

**History:** Effective April 1, 1990.

**General Authority:** NDCC 4-29-03, 4-30-55.1

**Law Implemented:** NDCC 4-30-27

**7-03.1-21-16. Processing standards for sheep milk manufacturing and processing plants.** Sheep milk manufacturing and processing plants shall comply with all of the requirements for other dairy manufacturing and processing plants found in North Dakota Century Code chapter 4-30-33, and any rules adopted pursuant to it.

**History:** Effective April 1, 1990.

**General Authority:** NDCC 4-29-03, 4-30-55.1

**Law Implemented:** NDCC 4-30-33, 4-30-34

**7-03.1-21-17. Storage and thawing.** Raw sheep milk brought frozen to a manufacturing or processing plant must be kept frozen until it is needed for processing. Thawing procedures must be approved by the dairy commissioner. Thawing means the process of raising the milk's temperature above thirty-two



degrees Fahrenheit [0 degrees Celsius]. All thawed raw sheep milk must be processed immediately and may not be refrozen.

**History:** Effective April 1, 1990.

**General Authority:** NDCC 4-29-03, 4-30-55.1

**Law Implemented:** NDCC 4-30-33, 4-30-34

**7-03.1-21-18. Requirements for sheep milk cheese.** All raw sheep milk must be pasteurized or heat treated before being used in cheese or other food products intended for human consumption. Heat treated finished cheese must be properly identified and aged at least six months before being offered for human consumption. The dairy commissioner may approve changes to this section if the commissioner finds that the health, safety, and welfare of the general public, as well as the quality of the product, will not be compromised.

**History:** Effective April 1, 1990.

**General Authority:** NDCC 4-29-03, 4-30-55.1

**Law Implemented:** NDCC 4-30-33, 4-30-34, 4-30-35